The Army's Martyr:

OR

A more ful RELATION of the barbarous and illegall Proceedings of the Court-Martiall at *WHITE-HALL*

UPON

Mr. ROBERT LOCKIER:

Who was shot to death in Paul's *Church-yard, upon the 27 day of April,* 1649.

And a brief Narrative of the Cause thereof.

VVith his Christian carriage and deportment, and his dying SPEECHES to all his fellow-souldiers at the time of his Execution, as an everlasting witnesse of his integrity to the Rights and Freedoms of the COMMON-WEALTH.

WITH

A PETITION

Of divers well-affected persons,

AND A LETTER

Of Lieut. Col. *Jo. Lilburn*, and M. *Ri. Overton*, Presented

To the GENERAL in his behalf.

1 KING. 2. 5, 6.

The blood of War shed in the time of Peace,
Cries out for vengeance; or our Freedoms cease.

Printed at *London* in the Yeer 1649.

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THE ARMIES MARTYR, &c.

WHereas I have been truly informed from many honest and conſciencious perſons of the life and death of this gallant man M. *Lockier*) I thought good out of that duty I owe unto him, for to give a perfect and full Relation of the whole matter & cauſe of his death, for the full ſatisfaction of all perſons that deſire to be truly informed: And knowing that it is the duty of every man that lives in a Common-wealth to be as inſtrumentall as he can, in diſcovering any thing that may be of Publick concernment; And conſidering that it is the common practice of *Machiavils* to colour over their cruell and unjuſt actions with the vizor of ſome great good, or prevention of ſome great evill to the Nation or place where the thing was committed, the better to deceive the ſimple, and wellminded people; And to keep on that veile of hypocriſie which they have caſt over the face of the Common-wealth that they might not queſtion their abominable actions, both towards this poor innocent, and their juglings with the whole Nation; I have therefore taken a little paines to put forth a Narrative of the cauſe of this their bloody proceedings againſt him; that people may be poſſeſſed that their holineſſes may erre and be guilty of as much innocent blood, if they continue in the courſes they have walked in of late, as ever Queen *Mary* or any Tyrants before her: Thus then to the matter: on Tueſday *Aprill* the 24 1649. there came orders for the Troop to march forth of the City; and the Souldiers being unwilling to march forth without mony to defray their Quarters: deſired pay to put them in a capacity to pay their Quarters there, and be enabled to give ſatisfaction to the Country which they were to march into: which deſires of theirs being not fulfild, they went unto the foure Swannes where their Colours were, and ſecured them for the preſent, untill they had the pay that was due to them; being invited by ſome of Cap. *Groves* Troop who had ſecured their colours before them: well then here was a months pay provided for them; but the Clark affirmed that there was 11 dayes pay due more to them then that months, and would have laid five pound with the Quartermaſter of the truth of it: But when Col. *Whaley* came and they diſputed how much they were behind, he came down the yard and ſaid there was but

five dayes pay due to them: But whether this was a plot of his to cause this sturre or trouble, I know not; but surely it was the trick of a knave in so doing; but to the matter; while they were in dispute about their marching away, there came a fortnights pay out of *Essex* for them; and on Tuesday night there was an alarm in their quarters about some plot as they say to destroy the Generall and some Officers, and some papers cast abroad to that effect, a meer plot of the Grandees as is conceived the better to countenance their illegall proceedings on some Citizens that night; which because the Souldiers did not march were not ashamed to put it upon them, though they never knew of it, at which time of the alarm, or as they were to goe to their quarters, Captain *Savage* told them that they should come & receive a fortnights pay more betimes in the morning that they might march away; whereupon they prepared for the march, some having received their monies; but when some came for it, he told them they could not; nor should not receive it, though other Troops had, because they refused to march the day before; whereupon they kept their Colours and would not march except they were made up equall in pay with the rest of the Regiment: But yet so reasonable they were in their demands that they told Col. *Whaley* and M. *Swallow* and their Capt. that if they might have but the fives dayes pay which they acknowledged was due to them, with an engagement from their Officers to pay them a days pay every day as they were upon the march till they were made up equall with the Regiment, and a passing by what had been done on both sides, they would march away presently; No, they should not have it because they did not march out to a Rendevouz of the Regiment the day before to Mile-end green, although there were not many above 40 of the three Troopes that marcht forth and came in againe; Yet at length Col. *Whaley* said that if their Captain should draw out six men of them and carry them before the Generall, they should have it: but they were unwilling that any should be taken out, seeing all had refused marching: being forced thereunto by their unjust command, in commanding them to march without their pay to satisfie their quarters: at length the Generall and Lieutenant Generall came very furiously breathing forth nothing but death to them all, being fetch'd and animated on by that forsworn and perjured tyrannicall Knave *Chillington*, who can take what he please out of the Souldiers pay for to maintain him in his Domineering courses. But oh how bloody and red did *Cromwel* look! and the Generall told them that they should be hanged all, and that they did deserve to be hanged presently in the Court: whereupon a Souldier or two went down the Gallery, and desired his Excellency to hear their just desires;

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No, he would not hear them there; but they must march away presently to White-hall with those Troops that came to guard them thither; there being no resistance offered on the Souldiers part, nor sword drawn, though they have reported since, there were: but *Whaley* drew his, and *Chillington* drew his to cut a Souldier, from whose back he rent his cloak. But so much do they thirst after the bloud of those that shall dispute a command of theirs, whether right or wrong, all is a case to them, when it comes to diminish from their lawlesse wils (for it was disputed and affirmed by an Officer of the Army at the Spittle, that souldiers must obey their commands, and not question it, though it be to kill a man, or steal an horse) that to prison they must, and the next day to a Councel of War, as they call it, where their most implacable & bloudy enemies were their Accusers and Witnesses, if not their Judges; who, when they had sworn many things against some of them which they never did (as can sufficiently be proved by good hands) made constructions and consequences on the things done and sworn, whispering in the ears of them that sate in the Councel (no question but to stir up their holy zeal against those that most opposed their ungodly practices.) Now though there were many witnesses of taking the Colours from the four Swans, and carrying them into the Bul-yard; yet none swore, or at least could swear, that he above any other did lay hands on them first, because there were about 40 that huddled or compass'd the Colours about at one time: And though they say he did confesse himself he did it; I say, its no such matter: all that he said, was, that he had a hand in it as well as others. Besides, Capt. *Savage* would have sworn that M. *Joyce* had done it; for he came to him, and said, Mr. *Joyce, I will take my oath that you were the first man that laid hands on my Colours*: But the Gentleman being not able to bear such a grosse Lie, told him, he was at the Generals Quarters that day till almost night to get leave to go see his friends.

But such was their former malice at this gallant man (for his former appearing in the Agreement of the People, when they murdered Mr. *Arnold* at *Ware*; and because he would often oppose or dispute their unjust actions) that right or wrong, their Saint-like thirst could be satisfied with nothing but his bloud. Well, die he must the next day by two of the clock, so was the Sentence; nothing could work upon any of them [for as *David* saith, *There is none* of them *that doth good, no not one*;] for when divers Citizens went with a Petition, desiring his Excellencies mercy and clemency to mitigate the Sentence, and reprieve him but one day more; shewing from the Statutes of the Land, that it could be no lesse then murder to exercise Martial Law in a time of peace; yet this could not prevail with him, the Law is but a dead letter to them, when they must exalt their wils above it;

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for they make no more conſcience of deſtroying the life of our lives, that is to ſay, the Law, then a dog doth of eating a ſhoulder of mutton; for their will is their Law, and their Sword their Juſtice. Another went to Col. *Whaley* in the behalf of this poor Innocent, and found him come lately out of bed in his Skie-colour ſatten waſtcoat lac'd with ſilver lace, and his pantophles dawbed with ſilver lace, and did preſent a Petition to his Honor, beſeeching his Honour, that he would be pleaſed to remember mercy to this poor Gentleman, & mitigate the Sentence to any other puniſhment, ſo as it was not to the taking away of his life: But after many things paſſed between them, at laſt he ſaid, that if it lay in his power to ſave him, he would not. The like moſt humble Petition that could be framed by a man, was ſent in to the Councel on his behalf, and the reſt that were to draw lots for their lives; But nothing would ſatisfie but his blood; many perſons came to viſit him that formerly knew him much lamenting his moſt ſad condition, being condenmned for nothing but asking his pay: And indeed that was the thing which did moſt troubled him, that ſo ſmall a thing as contending for his pay, ſhould give his enemies occaſion to take away his life; which as he often ſaid, had it been for the freedom and liberties of this Nation for which he had engaged theſe 7 or 8 years, it would have much added to his comfort; Though he was ſatisfied well enough, that this in asking his pay was far inconſiderable to the taking away of his life in the eyes of God and all unprejudiced men: for he knew it was malice that prevailed over him and not juſtice; for one would have thought that there being no ſwords drawn nor affronts to any offered, that if it was ſuch a fault and of ſuch a nature, that a caſheerment of the Army, or baniſhment of the Kingdom would have been puniſhment enough for his firſt failling, and faithfull and valiant ſervices performed by him for theſe ſeven or eight years; They well knowing that for his duty he hath ever been ready to perform; and never held with any that was unwilling to do that duty which was required of him and his due to performe. Concerning his converſation, he was a man honeſt, juſt and faithfull, being able to render an account of his faith in God, and hope of eternal life; and was alſo able to make good the Cauſe for which he ſo long had engaged: which is a difficult thing to many ſimple guls now in armes, that like ſo many ſheep, will be commanded to kill and do any violence and never queſtion it: for indeed this is that ſweet temper theſe Machavils have ſo long laboured after; namely the caſting forth of all honeſt and deſerving Souldiers that would be active for common good, & lifting of ſuch as will kill a man for a morſel of bread; for his civill courteſie, and loving cariage and diſpoſition at all times and to all perſons, he may challeng reſpect from

from any that knew him; for I think he was beloved of many, and scarce hated of any; he was a man that did extremely desire the freedom of the Common-wealth, as can be witnessed by divers who knew his forwardness in promoting any thing tending thereunto: as when the agreement of the people was broken off at *Ware*; (by these that pretended it was not Gods time, because they had not gotten to that height of honour which now they say Providence hath brought them) oh how sad was his poor spirit, riding up and down the fields with one or two, where he manifested so much love to the liberties of his native Country, as that he could have lost his life there to have procured it.

For his valour in the field, I scorn to equalize it with the proudest of his enemies that sate in Councell or bore false witness against him: he did much scorn to engage any man for his life, but he would endeavour his utmost to perform it: [Not like *Whaly* when he engaged Major *Bethell* to charge a party of the Kings Horse, commanded by the Lord *Goring* neer *Oxford*; and promised to charge them with his division at another place; the Major *Bethell* asked him again and again whether he would do it; he told him he would; who afterward stood still and never charged at all, but suffered 9 troops to fall on 3 broken troops, where the Major was taken, and many kill'd and most desperatly wounded; and for which he received a sufficient check from *Crumwel*] he was much grieved to see such Taxes, Excise, Tythes and Free-quarter to lye upon the Country, and would not be so exact as many self seeking officers are (when they lye at Free quarter on the poor Country) of their accommodation, either for himself or his horse; I need not blaze his good esteem he had of all persons that knew him; for they do, and can speak more then I can of him, and for him: In his dealing with all men he was just, ever approving of that rule of Christ, that what we would have others do to us, we should to them; and I dare pawn my Salvation upon this truth, that he did as much as could be be discerned, walk by it: failings I will not say but he was subject to as well as others; but if told of his failings, he indevoured amendment; and if any be without sin let him cast the first stone at him: sure I am, he was more conscionable in serving his Nation then Captain *Savage* that holy man, whose holiness can admit of three men, or two men and a boy to be mustered, and receive pay for them, and send them home to his father in laws house with their horses and let them do their work, and the Common-wealth to pay them: But I'll warrant the good man will tell you it is a priviledge that we Officers have, being fetcht from the practice of mercenaries beyond the sea; but this is not the first cheat he hath served the state, neither is he alone but many

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more Officers in the Army, especially those that are married, who can make it their trade to be with their wives more then with their troops & companies, though themselves have denied that to others before they were in that Condition, telling them that he that warreth a warfare intangleth not himself with the things of the world. But now it is no marvell they aspersie and envy every man that desireth but to look into the mystery of their iniquity; they may do what they please and no man question them for it; as Captain *Tounsell* took Mr. *Sawyer* and cast him into *White-hall* after he had abused him sufficiently in his own Chamber, there committing him without any order or charge against him, where he might die and perish for want of food if good people did not relieve him; so I say marvell not at their actions; for whatsoever is pleasing in their own eyes, that they will do to any, as they have done to this true friend to his Countries Freedom. Therefore his bloud I will require at Colonel *Whaley's* and *Savage's* hand, because said *Whaley* I knew him two yeers before this time; and *Savage* knew he desired Justice on him when the troops charged him for dissenting at *New-market*; and other articles belonging thereunto; and now have they their desires on him.

And thus have I given you a briefe narrative of the cause of this murther, which was executed on him in *Paul's* Church-yard, where were many hundred if not thousands, weeping eyes and shreking voyces lamenting so gallant a creature should lose his life. What he said to divers there and in his Coach coming to his execution is here inserted verbatim, or as far as can be remembred.

Mr. *Shaw* and Mr. *Atkinson* being come to *Pauls*, met with M. *Lockier* coming up *Ludgate-hil* with a strong guard of Souldiers of Col. *Hewsons* Regiment before and behind, and he with a friend or two in a Coach, to which they addressed themselves, and acquainted him with what had passed between them and the Generall; to which he answered, Dear friends, (he scarce knowing us) I am ready and willing to dye for my Country and Liberty, and I blesse God I am not afraid to look death in the face in this particular cause God hath called me to.

M. *Atkinson.*] After that *I* met him in the yard where he was to suffer, he said the same words, and to the same effect; and then the Guard driving all his friends away, and him, *I* could not hear what he said.

But *I* heard (getting to him through favour of an Officer) Colonel *Okey* to challenge him with untruth, in that he confessed before the Councell of War, that he was guilty of what was charged upon him in reference to mutinie, and now he denyed it: to which he answered that it was not so; *Okey* said it was, and he could produce many to witnesse the same.

Lockier

Lockier replyed that he knew what he had said well enough; and that ever since he knew what it was to draw a sword he never intended any thing but meerly for the Priviledges and Liberties of the people, and in that he would live and die, and Major *Swallow* and others said something to him then which *I* did not hear, but Major *Carter* made up that discourse and said that it was convenient that this little time he had to spend, it was requisite that he spent it in the best way he thought meet and if he desired to retire himself he might, to which he replyed he did desire to retire himself in private, and that though he did doe or think nothing but what he would have every man to hear, for as his actions from the first to the last have been for publique good, he desired his death might be, and so he knew it would be: For God would make his bloud speak Liberty and Freedom to all England; And then he drew to the wall, and there prayed about a quarter of an houre, and after goes and makes water, and then comes and had discourse with many of the Officers, but what it was *I* could not well hear, but thus much *I* heard how he with a couragious and willing heart did undergoe what ever was laid upon him becaufe it was in the behalfe of his Country.

Then *I* took him by the hand, and he began to say in this manner: friends here *I* am to suffer what it pleases God to lay upon me, and truly that for my Countreys good, and how great a comfort this is to me *I* am not able to expresse, and therefore friends it is a good, sweet and comfortable thing for to serve God; for he hath set us in a condition to serve him, and given us a rule, and hath purchased for us not only Liberty and Freedom here through his Son, but peace and tranquility hereafter, and a meanes he hath set downe in his word, which we ought to take heed to; For in that he hath declared that Christ is sufficient for all our sinnes, and God would provide fully for all those that sought to God by him: it was not any thing would commend us to God, but pure and undefiled actions in the sight of God through the power of Christ and his Word which *I* fully own and beleeve declared the same, unto which we do well to take heed; for if we will we may do well here and hereafter: here we must serve him in standing up for our Countries Liberties and Freedoms, & they will make much for hereafter, for if we do well we shall be well rewarded. Therefore my dear friends and fellow souldiers, *I* desire you all to serve God and love him, and honor him: And for me to pray as long as you see me live, that God would carry forth my heart as now you see me carried forth: to which *I* answered *I* am overjoyed M *Lockier* to hear such expressions come from you in which *I* saw so much Religion, as that it was for me a good pattern to learn by: and not take upon me to

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instruct one so able as you are. *Lockier* said, The Lord stablish and strengthen you, and fit you for his work: And not onely you, but all my dear friends, to whom I desire you to commend me dearly; to and for whom I shall pray while I breathe, that God would enable them to stand up faithfully and courageously for the good of their Country and Liberties: And I pray you let not this death of mine be a discouragement, but rather an incouragement; for never man died more comfortably then I do. And after he and I had embraced each other, he spake a few words to the Officers, and then he desired to speak with his Sister and Cousins, but what passed betwixt them I know not.

And then I heard not what he said to them; but from good hands of them that were close to him, he said thus, *Fellow souldiers, I am here brought to suffer in behalf of the People of* England, *and for your Priviledges and Liberties, and such as in conscience you ought to own and stand to: But I perceive you are appointed by your Officers to murder me; and I did not think that you had had such heathenish and barbarous principles in you, as to obey your Officers in murthering of me, When I stand up for nothing but what is for your good.* And then I heard Colonel *Okey* say, with other Officers, What, do you endeavour to make the souldiers mutinie? Martial, away with him: And setting him in the place where he was to suffer, he pulled off his loose Jacket, and Coat, and Belt, and gave them some to one, and some to another: and after that he went to prayer again in his shirt without his dublet, and after prayer he stood in the place of execution, and all this while, with abundance of courage and undauntedness; for when I desired him to put something upon his face and cover it, he thanked me for my love, but he said, his cause was so just, as that he feared not the face of death; and therefore he stood looking with a gallant courage in their faces, and then came up to the men that were to shoot him, which were six Musketiers, he lifted up his eyes to God, and desired that when he gave them a signe they should shoot, which was the lifting up of both his hands; and immediately he lifting up his hands, they all six shot off their Muskets, and so died this gallant Heart.

M. *Watson.*] I asked him how it was with him in relation to his eternall condition, and whether that which he had done was not out of passion? and told him that he was to depart this life, the hour of his death was very neer, therefore I desired him if any thing lay upon his Spirit that he would declare it to me; he replyed, I have been a servant to them a long time, and been faithfull, I am burdened in my Spirit because of their unjust proceedings, and for my condition at present, I praise God it is well with me, and I praise God out of obedience to God, I have served my Country

Country and for that I firſt ingaged, I little thought that they would have proceeded ſo harſh againſt me to ſingle me from the reſt of my fellows, the fault being one and the ſame; not that I am ſorry that I am ſingled out by my ſelf, for I am joyfull that I muſt dye to excuſe them, but I ſee their aime is at my blood, and when they have it they may then be ſatisfied, though that will give them little ſatisfaction as to righteouſneſſe, yet I praiſe God I am fitted for it and have a witneſſe from God that I have ſerved my generation with uprightneſſe ſo farre as I had underſtanding, and ſeeing God hath been ſo pleaſed to diſpoſe of me, let it come and welcome, death is nothing, it ſtoppeth my progreſſe from ſorrow to ſorrow, I am ſure I have a ſmiling conſcience within me and the love of the Father made out to me through the Son, and for death I praiſe God I fear it not, and ſo dear friend I leave thee to the diſpoſall of the Almighty hoping to meet thee in word, *I* meane in ſpirit, though now we are divided by death; *I* deſire you would joyne in prayer with me, which we did.

Mr. *Bunting* told him, That he had heard very well of him, that he was an honeſt conſciencious man, and that much of God appeared in him, for which he was glad; now he was appointed to die, it was good for him to make preparation, he having been one of the chief promoters of the late mutinie, which might have occaſioned the ſhedding of much bloud, for which he was ſentenced by the Councel of War to be ſhot; and ſaid that the Councel was very tender in their dealing towards them, and that they deſired not to ſhed bloud; though there were 14 more guilty, yet but him to die: however his intention might be good, yet a Mutinie being of ſuch an high nature, could be adjudged no leſſe then death.

Anſ. Sir I am condemned, or brought here to dye, I bleſs my God I can freely ſubmit unto it, having learned to look death in the face, hoping by the merits of the Lord Jeſus to have life and ſalvation; I have done nothing whereof I am accuſed; I am ſentenced as I think by their ſixt Article to ſuffer. An Officer then ſtept in and ſaid that he did before the Councel acknowledge that he was the chief of the mutinie; which mutinie deſerved death: which preſently was denied, ſaying that he was no more concerned then the reſt, and for them to take away his life, was very partiall and unjuſt; but I pray God forgive them, and us all our ſins, that it be not laid to their charge; I am ſure their dealings with me is bloody for them to take away my life for a ſuppoſed crime, for that which might happen; beſides I never went forth to uphold a Martiall Law to be executed in a time of peace, it being too cruel for any freeborn Engliſhman to live under: I went voluntarily forth being invited by declarati-

ons of Parliament, to ſtand by them in the defence of the juſt rights and freedoms of this Nation, for which I have engaged my life, and for the freedoms and liberties of the people, I now ſuffer. An Officer ſteps in and ſaid it was in your own choice you might have left the Army if you would, for why ſhould you continue under the power of it and not to obey. *Anſ.* I am ſure I have been faithful I never betray'd my truſt. Severall of the Officers deſiring him to retire, if poſſible they might diſturbe him, it may be he would be private, the time is but ſhort, therefore think of death. *I* bleſs the Lord *I* can willingly ſubmit to dye; he then withdrew for a while and prayed, and came again diſcourſing a little with the Officers; called for his Siſter and Friends there, came to the Souldiers that were to ſhoot him, and ſaid, *I* freely forgive you and all the world; I pray ſiſter forgive them. *I* am ſorry to ſee that you ſhould be brought to obey your officers to murther me, for you ſtand as if you were the men appointed to murder me; *I* pray God forgive you *I* doe: Whereupon the Officers thruſt him away, and ſaid he would make a mutinie among the Souldiers take him away, ſo being not permitted to ſpeak to them, they ſhot him, &c. ſaying they were ſorry to ſee him dye ſo. A mutineer he lived, and ſo he died.

But as he was honorable in his life and at his Death; ſo he was as honorably buried to the trouble of many of his enemies, who could have been contented to have his memoriall to be buried in oblivion, that their wickedneſſe might not be had in remembrance: But I beleeve he did not ſo much offend them in his life, but his death ſhall be a greater terrour to them in crying for vengeance on their heads: the guilt of whoſe blood doth trouble many of them already as I hear: However he is gone to his grave in peace with confidence in Gods love to him through *Jeſus Chriſt*, where he ſhall reſt in his grave and at laſt ſtand up in his Lott having his Portion amongſt the Juſt, and crowned with the loving kindneſſes and enjoyment of God.

To his Excellency THOMAS Lord *FAIRFAX* Generall of the Engliſh Forces.

The humble addreſſes of divers well affected perſons, in behalfe of all thoſe that are under reſtraint or cenſure of the Councel of War, or Law-Martiall.

May it pleaſe your Excellency,

FOraſmuch as the Petition of Right, and other the known Laws of the Land do expreſly provide againſt the exerciſe of Martiall Law upon Souldiers or others in times of peace, all Courts of Juſtice being open, and that the deprivation of life thereby in ſuch times hath been adjudged in Law no leſſe then murther.

And foraſmuch as you have declared to all the world, That the Army under Your Excellency's Command was not a meer mercinary Army, hired to ſerve the Arbitrary ends of a State; but that they took up arms in judgement and conſcience, for your own and the Peoples juſt Rights, the principall whereof are contained in the foreſaid Laws and Petition of Right.

And finding nevertheleſſe thoſe our undoubted Liberties never more encroached upon by the Military power and Law-Martial, Souldiers and others of late being frequently ſeized, reſtrained and adjudged to death, and to reproachfull puniſhments without any regard to the Law of the Land, and tryall of twelve ſworne men of the neighbourhood: as is manifeſt in your preſent proceedings againſt

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those Souldiers and others now under restraint, and censure of the Councell of war.

Hereupon we conceive our selves bound in conscience in behalf of the Liberties of the people of England to intreat and claim the benefit of those Liberties contained in the Petition of Right, and other the good Lawes of this Land: and that all persons now under restraint or censure of the Councel of War or Martiall Law, may be remitted to the tryall of twelve sworn men of the neighbourhood, and be proceeded against by due processe of Law; which I humbly conceive your Excellency and the whole army, are both by Law, and your many Declarations engaged to perform, and whereby only you will render your self acceptable to the present, and honorable to future Generations.

Aprill 27. 1649.

Robert Shaw
Thomas Moulson
George Atkinson
Thomas Hawes
Thomas Frisbe
Walter Allen.

M. *Robert Shaw* and the rest went with this Petition, & after that came to *White-hall*, & there related to the prisoners what they had done in the business, & then M. *Atkinson* addressed himself, at M. *Lockiers* request to the Marshall General, & acquainted him with the particular carriage in the business how they had drawn up a Petition to the General, and did desire he would stay till they had an Answer. He replyed, that if so, they should wait upon the Generall for an answer, and meet him at *Pauls*, for there he was appointed to suffer. And to that end Mr. *Shaw*, Mr. *Atkinson* and others went to the Generall, whom they found at *Grays* Inn in Sir *Thomas Wisbringtons* Lodgings, and with much adoe were admitted to speak with him: Unto whom Mr. *Atkins* spake to this effect; May it please your Excellency, We are come in the behalf of a poor distressed man that is appointed this day, and almost ready to die: in whose behalf we only desire your Excellency be pleased to pardon, or but to reprieve him till to morrow. And we are the rather incouraged thereunto by Reason of your wonted mercy in this particular. To whom he replyed, You come here about the saving of a souldier, who is already condemned by the Councell of Officers under me, and for a great crime of mutinie, wherein were ingaged many more besides him, almost 15; and I think, in such a high businesse as this is, you never knew a Generall to pardon so many as I have done; and now he is to suffer by course of Martiall Law, and it being past, it cannot be recall'd. To which we answered, Your Excellency hath shewen much mercy to poor men in the like nature, that did deserve more to die then he did: Therefore we were imboldened to sue to your Excellency for him, to which he answered, That he conceived he deserved to suffer as he did, and that it did behove us, if we were his friends, to prepare him for another world; and not to do as we do, to countenance him in any thing that is not regular nor safe; for he had like to have made a great fraction in the City and Army, and for that he is to die, and it lies not in my power to preserve him. Then we did beseech his Excellency to reprieve him but till to morrow: but he would not condescend to neither. And so much passed to this effect, but nothing at all obtained from him.

The

The Copy of a Letter written to the Generall, from Lieut. Col. *Jo. Lilburn* and M. *Rich. Overton*, Arbitrary and Aristocratical prisoners in the Tower of *London*, the 27 of *April* 1649, in behalf of Mr. *Robert Lockier*, tyrannically ordered to be murdered by the pretence of Martiall Law by the Councel of War at White-Hall: M. *George Ash*, M. *Joseph Hockley*, M. *Robert Osburn*, Mr. *Matth. Heyworth*, Mr. *Tho. Goodwin*, all of Captain *Savage* his Troop in Col. *Whaley's* Regiment; who by the said Councel were adjudged to cast lots for their lives, and one of them to die.

In which it is by Law fully proved, That it is both Treason and Murder, for any General or Councel of War to execute any Souldier in time of Peace, by Martial Law.

May it please your Excellency,

WEe have not yet forgot your Solemn Engagement of *June* 5. 1647, *whereby the Armies continuance as an Army was in no wise by the will of the State, but by their owne mutuall Agreement:* and if their standing were removed from one Foundation to another (as is undeniable) then with the same they removed from one Authority to another; and the *Ligaments and Bonds of the first were all dissolved*, and gave place to the Second; and under, and from the head of their first Station, *viz. By the will of the State, the Army derived their Government by Martiall Law*; which in Judgment and Reason could be no longer binding then the Authority (which gave being thereto) was binding to the Army: for the denyal of the authority is an Abrogation and Nulment of all Acts, Orders, or Ordinances by that Authority, as to them: And upon this account your Excellency with the Army *long proceeded upon the Constitution of a new Councell and Government*, contrary to all *Martiall Law* and Discipline, by whom only the Army engaged to be ordered in their prosecution of the ends, to wit, *Their severall Rights both as Souldiers and Commoners, for which they associated; Declaring, agreeing, and promising each other, not to Disband, Divide, or suffer themselves to be Disbanded or Divided, without satisfaction, and security, in relation to their Grievances and desires in behalfe of themselves and the Common-wealth, as would be agreed unto by their Councel of Agitators.* And by vertue, & under color of this Establishment, all the extraordinary Actions by your Excellency, your Officers, and the Army have past: Your refusall to Disband, disputing the Orders of Parliament; Impeachment and ejection of Eleven Members; your First and Second March up to *London*; your late violent Exclusion of the major part of Members out of the House, and their imprisonment without Cause declared, &c. *which can no way be justified from the guilt of high Treason, but in the accomplishment of a righteous end, viz. The enjoyment of the benefit of our Laws and Liberties, which we hoped long ere this to have enjoyed from your hands:* Yet when we consider, and herewith compare many of your late carriages both towards the Souldiery and other Free-People; and *principally your cruell exercise of Martiall Law*, even to the Sentence and execution of Death upon such of your Souldiers as stand for the Rights of that Engagement, &c. And not only so, but against others not of the Army; we cannot but look upon your *Defection* and Apostacy in such dealings, as of most dangerous consequence to all the Lawes and Freedoms of the People.

And therefore, although there had never been any such solemn Engagement by the Army, as that of *June* 5. 1647. which with your Excellency in point of duty and conscience ought not to be of the meanest obligation, *We do protest against your Exercise of Martial Law, against any whomsoever, in times of Peace, where all Courts of Justice are open*, as the greatest encroach-

encroachment upon our Lawes and Liberties that can be acted against us; And particularly *against the Tryal of the Souldiers of Captain* Savage's *Troop yesterday*, by a Court Martiall, upon the barbarous Articles of Warre, and sentencing of two of them to death; and for no other end (as we understand) but for some dispute about their pay: And the reason of this our Protestation, is from the Petition of Right, made in the third yeer of the late King, which declareth, *That no person ought to be judged by Law Martiall, except in times of Warre; And that all Commissions to execute Martiall Law in times of Peace, are contrary to the Lawes and Statutes of the Land.* And it was the Parliaments complaint, That *Martial Law was then commanded to be executed upon Souldiers for Robbery, Mutiny, or Murder.* Which Petition of Right, this present Parliament in their late Declarations of the 9. of Feb. and the 17 of March 1648, *commend, as the most excellent Law in* England, and there promise to preserve inviolably, it, *and all other the fundamentall Lawes and Liberties, concerning the preservation of the Lives, Properties and Liberties of the People, with all things incident thereunto.* And the Exercise of Martiall Law in Ireland, in time of Peace, was one of the chiefest Articles for which the Earl of *Strafford* lost his head; as appears Article 1, in the case of the Lord *Mount-Norris* (yet alive:) the same by this present Parliament being judged high Treason. And the Parliament it self, neither by Act nor Ordinance, can justly or warrantably destroy the fundamental Liberties and Principles of the Common Law of England: It being a *maxime* in Law and Reason both, *That all such Acts and Ordinances are* ipso facto *null and void in Law, and bind not at all, but ought to be resisted and stood against to the death.* And if the supreme Authority may not presume to do this, much lesse may You, or Your Officers presume thereupon; for where remedy may be had by an ordinary course in Law, the party grieved shall never have his recourse to extraordinarie. Whence it is evident, *That it is the undoubted Right of every Englishman* (Souldier or other) that he should be punishable onely in the ordinary Courts of Justice, according to the Laws and Statutes of the Realm in the time of Peace, as now it is (there being no declared enemy in arms either in field or garrison ready to destroy the Nation with fire and sword, and by their fury and power stop or dam up the ordinary administration of the Law) and the extraordinary way by Court Martiall, in no wise to be used.

Yea, the Parliaments Oracle, Sr. *Ed. Cook*, Declares in the third part of his *Institutes* Cap. of *Murther*, fol. 52. *that for a General or other Officers of an Army in time of Peace to put any man, (although a Souldier,) to death, by colour of Martiall Law, it is absolute murther in that Generall, or Councel of War, &c.* Because, saith he, this is against *Magna Charta, ch* 29. and is done by such power and strength as the party cannot defend himself: and here the Law implyeth *malice*; *vide Pasch.* 14 *fol* 3. *in Scaccario*, The Abbot of *Ramsey*'s Case, in a Writ of Errour, in part abridged by *Fitzh. tit. Scire fac.* 112 for time of peace. *Thomas* Earl of *Lancaster* being taken in an open Insurrection, was by judgment of Martial Law put to death: *in anno* 14. *Ed.* 4. this was adjudged to be unlawfull, because (saith he) he was not arraigned or put to answer in the time of peace; and because the Chancery, and all other Courts of the Kings were then open; in which Law was done to every man, as it wont to be; and that against the Charter of *Liberties*, because the said *Thomas* being a Peer and Noble of the Kingdom, should not be imprisoned, nor should the same King passe Sentence upon him, but by the lawfull judgment of his Peers: yet in the time of peace, and without Arraignment or Answer, or lawful Judgment of his Peers, he was adjudged to death. Therefore erecting of Martiall Law now, when all Courts of Justice are open, and stopping the free current of Law, which sufficiently provides for the punishment of Souldiers as well as others (as appears by 18. H. 6: Ch. 18, 19. and 2, & 3. Ed. 6. Ch. 2. 4 & 5. P. & M. Ch. 3. & 5. Eliz. 5. & 1. Jam. 25.) is an absolute destroying of our Fundamentall Liberties, and the razing of the Foundation of the Common Law of England; the which out of duty and Conscience to the Rights and Freedoms of this Nation (which we value above our lives) and to [illegible] You and all Your Councell without all excuse, we are moved to present unto your

Excel.

[illegible] pressing you, well to consider what you doe, before you proceed to the [illegible] the lives of those men by Martiall Law; least the blood of the Innocent, or the blood of [illegible] shed in the time of peace (and so palpable subversion of the Laws and Liberties of England) bring the reward of just vengeance after it upon you, as it did upon *Joab* the Son of *Zeruiah*, 1 *King*. 2. *ver*. 28, 29, 30, 31, 32, 33. and the Earl of Strafford: for innocent blood God will not pardon, *Gen*. 9. 5, 6. and *Rev*. 13. 10. and which cannot be expiated but by the bloud of him that shed it, *Numb*. 35. 33. *Deut*. 19. 11, 12, 13. and 2 *Sam*. 11. 12. and 1 *King*. 21. 19. and 2 *King*. 9. 7, 8, 9, 10, 26, 33, 36, 37. and *chap*. 24. 2, 3, 4. and what the people may do (in case of such violent subversion of their Rights) we shall leave to your Excellency to judge, and remain

Sir,

From our Causelesse, unjust, and Tyranical Captivity in the Tower of London, April 27. 1649.

Your Excellencies most watchful observers,
John Lilburn.
Richard Overton.

The POSTSCRIPT to the READER.

Dear Countryman,

WE desire thee to take notice, that M. *Robert Shaw*, M. *Thomas Moulson*, M. *George Atkinson*, M. *Thomas Harris*, M. *Thomas Frisby*, and M. *Walter Allen*, delivered a Petition to the Generalls own hands, to the effect of this Letter, divers houres before the execution of the foresaid gallant and honest M. *Robert Lockier*; which Petition and the Generals answer, you may at large read in the 3 and 4 pages of the Book called the *Armyes Martyr*: But nothing would satisfie the Generall but his innocent bloud; and therfore according to the Law of his will, he caused him to be murthered or shot to death in *Pauls* Church-yard; for whose innocent blood, both by the Law of God and the Kingdome the Generals ought to go without mercy or compassion; and not only his but also all the rest of his Judges and Executioners, for which by the Law of England they are indictable (by any honest English man) in the County where the murther was committed. And that this Act in shooting precious Master *Lockier* to death, is not only willfull mutrher in the eye of the law of England, but also Treason, is plainly and undeniably proved, in C. *Iohn Ingrams* plea, M. *Wil. Tompsons* plea, and M. *Io. Crosmans* plea, all of which are printed at large in Lieutenant Col. *Iohn Lilburns* Book, Printed, *Feb*, 1647. and called, *The Peoples Prerogative*, pag. 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56. And also in his additions to his second Edition of his Book called, *The Picture of the Councell of State*: And therefore let us tell the Generall, It may prove in time a vaine thing to him and his officers to protect themselves with their swords from the due course and proceedings of Law; least the people come to preach the same doctrine to the Generall and his Tyrannicall officers, that their darling friend the present Lord Chief Justice St. *Iohn* preached to the Earl of *Strafford* in the latter end of his Argument of Law Printed for *Iohn Bartlet*, and made against him when he was upon his Tryall, whose words are these, *That he in vaine calls for the help of the Law, that walks contrary unto Law, and from the Law of life for life; he that would not have others to have law, why should he have any himselfe? why should not that be done unto him, which he himselfe would have done to another? It is truth saith he, we give law to Hares and Deer, because they be Beasts of Chase; but it was never accompted either cruelty or foule play to knock Foxes or Wolves on the head as often as they can be found, because they be beasts of prey; The warrenner sets traps for Polcats and other vermine for the preservation of the warren,*

Tower, May, 4. 1649.

JOHN LILBURN.
RICHARD OVERTON.

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